

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

ROBERT V. WONSCH,	)	
	)	
Plaintiff,	)	
	)	Case No. CIV-17-0245-F
-vs-	)	
	)	
ARAMARK CORRECTIONAL	)	
SERVICES, LLC, et al.,	)	
	)	
Defendants.	)	

**ORDER**


This action, brought under 42 U.S.C. § 1983, arises out of plaintiff's confinement at the Cleveland County Detention Center. Magistrate Judge Bernard M. Jones filed a Report and Recommendation on March 23, 2017. Doc. no. 10 (the Report). Upon initial review of the complaint, the Report recommends dismissal of this action without prejudice for failure to state a claim. The Report also recommends that this dismissal count as a "prior occasion" or "strike" under 28 U.S.C. § 1915(g). The Report recommends denial of plaintiff's motion to appoint counsel. Doc. no. 4. And the Report recommends denial of plaintiff's application for leave to proceed *in forma pauperis* (doc. no. 8), as well as plaintiff's motion for sanctions (doc. no. 9), both on the ground that they are moot.

Any objection to the Report was due by April 13, 2017. The Report advises the parties that failure to make timely objection to the Report waives the right to appellate review of the factual and legal issues addressed in the Report. No objections have been filed.

Having reviewed the Report and the record, the court concurs with the determinations stated in the Report. Furthermore, given the detailed analysis presented there, no additional analysis is necessary here.

Upon review, and with no objections having been made, the court **ACCEPTS**, **AFFIRMS** and **ADOPTS** the Report. The complaint fails to state a claim for relief under § 1983 and is **DISMISSED** for that reason, on initial review. This dismissal counts as a “prior occasion” or “strike” under 28 U.S.C. § 1915(g). Plaintiff’s motion asking the court to appoint counsel is **DENIED**. Doc. no. 4. Plaintiff’s application for leave to proceed *in forma pauperis* (doc. no. 8) as well as his motion for sanctions (doc. no. 9) are denied as **MOOT**.

IT IS SO ORDERED this 28<sup>th</sup> day of April, 2017.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE